

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

**MEREDITH CHADWICK RAY and
PHILLIP RAY,**

Plaintiffs,

vs.

FORD MOTOR COMPANY, et al.

Defendants.

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CASE NO: 3:07-cv-175

**MOTION FOR CONTINUANCE OF THE JURISDICTION-RELATED
DISCOVERY DEADLINE**

On January 29, 2008, this Court entered an Order allowing the Plaintiffs to conduct jurisdiction-related discovery against Defendant Pontiac Coil. It gave the parties until March 17, 2008 to complete the discovery and to file supplemental briefs on the issue. On February 29, 2008, the Plaintiffs took the deposition of Kenneth George, the Director of the "Global Program Development" at Pontiac Coil. Plaintiffs did not receive the transcript of his testimony until March 6, 2008. Although Mr. George was able to discuss Pontiac Coil's relationship to Ford in the development of the solenoid for Ford vehicles, he did not provide any testimony regarding the scope of Pontiac Coil's sales calls upon its customers. In this regard, Mr. George testified that Pontiac Coil actually hires outside sales agencies in Clarkston, Michigan and Dayton, Ohio to call upon customers to procure additional sales or quotes from other particular companies. See Exhibit A attached. (Kenneth George at p16, ln. 4- p.21, ln. 10) Obviously, who Pontiac Coil's agents call upon in order to procure business on Pontiac Coil's behalf is

relevant to the issue of whether Pontiac Coil is subject to personal jurisdiction in Alabama. Alabama has several automobile manufacturers located within its borders, including Hyundai, Mercedes Benz, and Honda. (George at 43, ln. 18-21) In addition to these manufacturers, there are numerous suppliers located in Alabama supplying component parts to these manufacturers. In fact, Mr. George testified that its component parts were used by Honda. As a result, Plaintiffs have contacted the Defendants to secure the depositions of these outside sales agencies. If these agencies acting on behalf of Pontiac Coil make routine sales calls to any manufacturer, supplier, or organization in Alabama, Pontiac Coil would be subject to personal jurisdiction for purposely availing itself of the benefits and protection of Alabama laws.

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs respectfully request this Court to grant a continuance of the March 17, 2008 deadline to allow the Plaintiffs to take two more depositions in this case. Also, Plaintiffs request that it be allowed to supplement the briefing on the issue should the new depositions reveal evidence supportive of personal jurisdiction over Pontiac Coil.

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CERTIFICATE OF SERVICE

I hereby certify that I have this date electronically filed the foregoing document with the Clerk of Court using the CM/ECF system to the following CM/ECF participants:

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This **17th** day of **March, 2008**.

/s/ D. Michael Andrews
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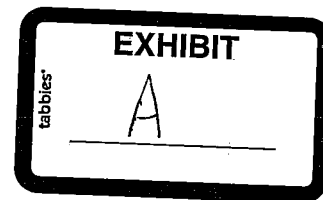
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ORIGINAL



15
16 DEPOSITION TESTIMONY OF:
17 KENNETH GEORGE
18
19

20 S T I P U L A T I O N S

21 IT IS STIPULATED AND AGREED by and
22 between the parties through their
23 respective counsel that the deposition of

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1 guess. I didn't -- I didn't make that
2 term- -- determination, so I'm not
3 really...

4 Q. So for a global company of 500 or
5 so employees, he would be the only
6 salesperson?

7 A. He would be the only direct
8 salesman, yes. We use sales
9 representation.

10 Q. Okay. Explain what you mean by
11 that.

12 A. We have a rep -- well, hired a
13 rep firm in the local area that calls on
14 some of our local customers. We have rep
15 firms elsewhere in Dayton, and we have one
16 in -- a couple -- one in Germany, one in
17 England that calls on specific accounts.
18 And we also, of course, check and our --
19 with our -- through an internal person
20 being formerly with Jack. We call on -- we
21 have house accounts that are not
22 commissioned representation.

23 Q. Longstanding accounts --

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1 A. Longstanding accounts, yes.

2 Q. -- that would be serviced?

3 Okay. And I didn't tell you this
4 earlier, but in normal conversation, it's
5 easy for you and I to talk over each
6 other --

7 A. Right.

8 Q. -- and hopefully I'll hear what
9 you're saying, but our court reporter needs
10 to be able to take everything down. So
11 it'll work best, and -- and probably you'll
12 maybe give me a chance to fumble the
13 question, if you'll let me finish first,
14 and then you give me your response because,
15 otherwise, it makes it very difficult for
16 her.

17 A. Fine.

18 Q. Thank you.

19 Give me an idea of who the house
20 accounts would be for Jack Corley?

21 A. Delphi; a company called Behr,
22 B-E-H-R. Those were the two main -- Ogura,
23 O-G-U-R-A. They're a Japanese subsupplier.

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1 I think those were the three main -- and
2 Eaton.

3 Q. E-A-T-O-N?

4 A. Yes.

5 Q. Okay.

6 A. There was a lot of smaller ones,
7 but those are the main ones.

8 Q. All right. Now, in this case,
9 we've got another Defendant named Visteon?

10 A. Yes.

11 Q. Would Visteon be a house account,
12 or would it be one that would be serviced
13 by an outside rep?

14 A. We don't sell directly to
15 Visteon.

16 Q. Okay. All right. Tell me -- and
17 we'll go into detail a little bit more, but
18 tell me how that arrangement works.

19 A. With Visteon or with --

20 Q. With Visteon.

21 A. We supply a product -- or
22 supplied a product to a company called
23 Admiral Tool and Manufacturing, and they, I

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1 believe, supplied to Visteon, whom, I
2 believe, supplies it to Ford.

3 Q. All right. Where would Admiral
4 Tool and Manufacturing fall in the sales
5 hierarchy? Would that be an internal house
6 account?

7 A. Admiral was a represented
8 account.

9 Q. Represented by the firm in
10 Dayton?

11 A. No. Turner & Associates, which
12 is outside of Clarkston.

13 Q. And tell me what you mean by
14 hiring an outside representative. Like,
15 for example, in the case of Turner &
16 Associates, what would they do?

17 A. They would call on various
18 selected accounts to look for or try to
19 procure additional sales or request for
20 quotes from those particular companies that
21 they are calling on.

22 Q. For existing customers?

23 A. It could be an existing customer.

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1 Q. Okay. What about in terms of
2 generating new sales leads, how does that
3 work?

4 A. If we get a sales lead that comes
5 into the company and it's in either -- it
6 -- it falls within the geographic broad
7 location of our -- where we wouldn't be
8 able to service it real well from our
9 facility in Clarkston, then we would call
10 up our representative and say, here, go
11 into this account, we've gotten a lead,
12 find out what it's about.

13 Q. Okay. Where would -- your sort
14 of geographic area that you would serve
15 direct, where would that boundary be?

16 A. It -- it kind of crosses over
17 with Turner & Associates because they're
18 also directed -- they were originally our
19 sole source of representation, and as the
20 company grew, then we kind of brought some
21 in-house and left them to take some of the
22 others and any new potentials that come up.
23 We would make that decision on a

1 case-by-case basis.

2 Q. All right. Do you divide the
3 country up into geographic regions or --

4 A. No.

5 Q. So anything is open?

6 A. Pretty much.

7 Q. All right. And then presently
8 you have Turner & Associates, and you have
9 another firm in Dayton?

10 A. Dayton, Stork & Kelch.

11 Q. Are there any states that you've
12 made a determination for whatever reason
13 that you're not going to sell to?

14 A. No.

15 Q. Okay. And you said Turner is in
16 Clarkston?

17 A. Yes.

18 Q. How many customers currently does
19 Pontiac Coil service?

20 A. Worldwide, probably in the area
21 of 20.

22 Q. So it's a relatively short list?

23 A. Yes.

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1 Q. Okay. The Ogura company --

2 A. Yes.

3 Q. -- what manufacturers do they
4 sell to?

5 A. They sell to Delphi, and they
6 sell to Visteon, to my knowledge. I don't
7 know -- at least our products go through
8 them to those customers. I don't know what
9 other manufacturers they would sell to.

10 Q. You don't know where it goes
11 downstream from there?

12 A. On our product, I do. I don't
13 know what other customers they have.

14 Q. I understand. Specifically
15 restricting your answer to your products,
16 though --

17 A. Uh-huh.

18 Q. -- are there any Japanese
19 manufacturers that utilize your component
20 products?

21 A. Honda.

22 Q. Anyone else?

23 A. I think that's it.